

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant(s): Ekwuribe, et al.

Application No.: 10/594,046

Filing Date: September 25, 2006

Title: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID COMPOUNDS

Docket No.: 014811-673.119 US

Examiner: Phyllis G. Spivack

Art Unit: 1614

Confirmation No: 8968

Customer No.

24239

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. §120
IN U.S. PATENT APPLICATION NO. 10/594,046**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Request hereby is made under the provisions of 37 C.F.R. §1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. §120. The Commissioner is requested to accord the above-identified application the benefit of a prior-filed application. Specifically, applicants are requesting that the present application be granted the filing date of co-pending U.S. Application No. 11/144,093 filed on June 3, 2005 titled "IMMUNOREGULATORY COMPOUNDS AND DERIVATIVES AND METHODS OF TREATING DISEASES THEREWITH" issued on October 10, 2006 as US Patent No. 7, 119,119 and having a priority date of August 29, 2001 which is the filing date of U.S. Patent Non 6,583,128.

Notably, co-pending U.S. Application No. 11/144,093 and the present application have a common inventor Nnochiri N. Ekwuribe. Applicants have included herewith a copy of U.S. Patent No. 7,119,119.


Applicants state that the entire delay between September 25, 2006, the date the claim was due under 37 CFR §1.78(a)(2)(ii) and the date of September 7, 2007 (37 CFR §1.78(a)(5)(ii)) the date this claim was filed was unintentional.

Applicants have amended the specification of the present application to recite the reference required by 35 U.S.C. 120 to the prior-filed and copending application U.S. Application No. 11/144,093.

Fee Payable for the Instant Petition

The fee of \$1370.00 specified in 37 CFR 1.17 (t) for this Petition to the Commissioner is submitted herewith. Authorization hereby is given to charge any additional fee or amount properly payable in connection with the entry of this Petition, to Deposit Account No. 13-4365 of Moore & Van Allen, PLLC.

Respectfully submitted,


Marianne Fuierer
Reg. No. 39,983
Attorney for Applicants

Moore & Van Allen PLLC
P. O. Box 13706
Research Triangle Park, NC 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199

Appendix B

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" APPLICATION**

Docket Number (Optional)

014811.673.119 US

In re Application of: **Ekwuribe, et al.**

Application No.: **10/594,046**

Filed: **September 25, 2006**

**For: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID
COMPOUNDS**

The owner*, **NOBEX CORPORATION**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **U.S. Patent No. 6,583,128** as the term of said **U.S. Patent No. 6,583,128** is defined in 35 U.S.C. 154 and 173, and as the term of said **U.S. Patent No. 6,583,128** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and **U.S. Patent No. 6,583,128** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of **U.S. Patent No. 6,583,128** as the term of said **U.S. Patent No. 6,583,128** is presently shortened by any terminal disclaimer," in the event that said **U.S. Patent No. 6,583,128** later:

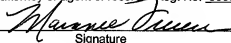
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **39983**


Signature

September 7, 2007
Date

Marianne Fuierer
Typed or printed name

(919)-286-8089
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" APPLICATION**

Docket Number (Optional)

014811.673.119 US

In re Application of: **Ekwuribe, et al.**

Application No.: **10/594,046**

Filed: **September 25, 2006**

For: **METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID
COMPOUNDS**

The owner, **NOBEX CORPORATION**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **U.S. Patent No. 7,119,119** as the term of said **U.S. Patent No. 7,119,119** is defined in 35 U.S.C. 154 and 173, and as the term of said **U.S. Patent No. 7,119,119** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and **U.S. Patent No. 7,119,119** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

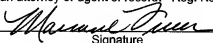
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of **U.S. Patent No. 7,119,119** "as the term of said **U.S. Patent No. 7,119,119** is presently shortened by any terminal disclaimer," in the event that said **U.S. Patent No. 7,119,119** later:
expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **39983**



Signature

September 7, 2007

Date

Marianne Fuierer

Typed or printed name

(919)-286-8089

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" APPLICATION**

Docket Number (Optional)

014811.673.119 US

In re Application of: **Ekwuribe, et al.**

Application No.: 10/594,046

Filed: September 25, 2006

**For: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID
COMPOUNDS**

The owner*, **NOBEX CORPORATION**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **U.S. Patent No. 6,903,082** as the term of said **U.S. Patent No. 6,903,082** is defined in 35 U.S.C. 154 and 173, and as the term of said **U.S. Patent No. 6,903,082** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and **U.S. Patent No. 6,903,082** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of **U.S. Patent No. 6,903,082** as the term of said **U.S. Patent No. 6,903,082** is presently shortened by any terminal disclaimer," in the event that said **U.S. Patent No. 6,903,082** later:

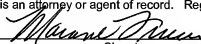
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 39983


Signature

September 7, 2007
Date

Marianne Fuierer
Typed or printed name

(919)-286-8089
Telephone Number

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Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Appendix C

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner; **Ekwuribe, et al.**

Application No./Patent No.: 10/594,046

Filed/Issue Date: September 25, 2007

Entitled: **METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID COMPOUNDS****BIOCON LIMITED****Corporation**

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: **Ekwuribe, et al** To: **Nobex Corporation**The document was recorded in the United States Patent and Trademark Office at Reel **016665** Frame **0519**, or for which a copy thereof is attached.2. From: **Nobex Corporation** To: **Biocon Limited**The document was recorded in the United States Patent and Trademark Office at Reel **018485**, Frame **0491**, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/7/2007

Date

919.286.8000

Telephone number

Attorney for Applicants

Title

Marianne Fuierer

Typed or printed name

Signature

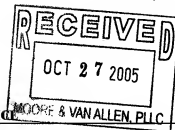
This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



OCTOBER 20, 2005

PTAS



103018955A

MOORE & VAN ALLEN
PO BOX 13706
430 DAVIS DRIVE
RESEARCH TRIANGLE PARK, NC 27709

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/27/2005

REEL/FRAME: 016665/0519
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

EKWURIBE, NNOCHIRI N.

DOC DATE: 04/18/2005

ASSIGNOR:

LIDDLE, RODGER

DOC DATE: 04/19/2005

ASSIGNEE:

NOBEX CORPORATION
617 DAVIS DRIVE, SUITE 100
DURHAM, NORTH CAROLINA 27713

SERIAL NUMBER:

FILING DATE: 03/22/2005

PATENT NUMBER:

ISSUE DATE:

PCT NUMBER: US0509325

TITLE: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID COMPOUNDS

016665/0519 PAGE 2

DOROTHY RILEY, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

**UNITED STATES PATENT AND TRADEMARK OFFICE**Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

NOVEMBER 06, 2006

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500174741AMARIANNE FUERER
PO BOX 13706
RTP, NC 27709

500174741A

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RECORDATION DATE: 11/06/2006

REEL/FRAME: 018485/0491
NUMBER OF PAGES: 3BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 014811-422.119PCTASSIGNOR:
NOBEX CORPORATION

DOC DATE: 11/01/2006

ASSIGNEE:
BIOCON LIMITED
20TH K.M. HOSUR ROAD
ELECTRONIC CITY PO BANGALORE,
INDIA
560100

RightFax

11/8/06 7:28 PAGE 003/004 Fax Server

018485/0491 PAGE 2

SERIAL NUMBER: 10594046

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

PCT NUMBER: US0509325

TITLE: METHODS AND COMPOSITIONS EMPLOYING 4-AMINOPHENYLACETIC ACID
COMPOUNDS

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in this application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number
Marianne Fuierer	39,983		
William A. Barrett	42,295		
Tristan A. Fuierer	52,926		

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

24239

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

Biocon Limited
 20th KM Hosur Road
 Electronics City
 Bangalore 560 100 INDIA

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
 The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature			Date	July 19, 2006
Name	NB Chinappa		Telephone	+91 80 2808 2808
Title	Vice President - Finance			

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 322 and 37 CFR 1.11 and 1.14. This collection is estimated to take 9 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.